

AUSTIN CITY COUNCIL

AGENDA



Thursday, November 30, 2006

+ Back Print

Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED) RECOMMENDATION FOR COUNCIL ACTION

ITEM No 44

Subject C14-06-0018 - 6203 Berkman Drive - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6203 Berkman Drive (Fort Branch Creek Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning First reading approved on November 2, 2006 Vote 5-0 (McCracken and Kim off the dais) Applicant and Agent Troy Hana City Staff Robert Heil, 974-2330

Additional Backup Material

(click to open)

- Staff Report**
- Ordinance**

For More Information

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0018 6203 Berkman Drive **P.C. Date:** March 28, 2006
May 23, 2006
June 13, 2006
August 8, 2006
August 22, 2006
September 26, 2006

ADDRESS: 6203 Berkman Drive

OWNER/APPLICANT/AGENT Troy Hanna

ZONING FROM: SF-3 **TO:** LR-MU **AREA:** 0.5 acres

SUMMARY STAFF RECOMMENDATION.

Staff recommends approval of the zoning request

P.C. NEIGHBORHOOD PLANNING SUB-COMMITTEE RECOMMENDATION.

January 11, 2006: Recommended that this case be postponed until the Windsor Park Neighborhood Plan has developed a draft future land use map or until May 23 which is six months after the first neighborhood planning workshop was held in Windsor Park

PLANNING COMMISSION RECOMMENDATION:

March 28, 2006 Postponed the case until May 23rd, to allow time for the case to be considered along with the Windsor Park Neighborhood Plan

May 23, 2006. Postponed to June 13, at the request of the applicant

June 13, 2006. Pulled at the request of the applicant

August 8, 2006 Postponed to August 22, 2006 at the request of staff

August 22, 2006 Postponed to September 26, at the request of the applicant

September 26, 2006 *APPROVED STAFF'S RECOMMENDATION FOR LR-MU ZONING [C RILEY, M MOORE 2ND] (7-0) J REDDY, G STEGEMAN – ABSENT*

DEPARTMENT COMMENTS:

The original rezoning request was from family residence (SF-3) to multifamily residential medium density (MF-3) district zoning. The applicant has amended the request to neighborhood commercial-mixed use (LR-MU), and the case was renotified.

The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005. This property was discussed at a meeting of the Zoning sub-committee of the neighborhood planning team on August 11 as part of a larger discussion of land use along Berkman. This discussion was productive, but not conclusive and was continued at the next meeting on August 25. After further discussion, the zoning sub-committee of the Windsor Park neighborhood planning team decided not to support LR-MU for the site.

The site is an existing single family residence. To the south are apartments on MF-3 zoned land. To the east, behind the property are two large lot single family homes with multiple accessory out-buildings. To the north is a single family house on a very large SF-3 zoned lot. Across Berkman Drive to the west are more single family homes and a church.

Compatibility standards along the north and east property lines would severely restrict the amount of land available for multi-family construction. The site is bordered by primarily single family zoning and uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family House
<i>North</i>	SF-3 and MF-3	Single Family House and Apartments
<i>South</i>	MF-3 and SF-3	Apartments and Harris Elementary
<i>East</i>	SF-3	Single Family Homes
<i>West</i>	SF-3	Single Family Homes and Church

AREA STUDY. The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

TIA: N/A

WATERSHED: Fort Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Windsor Park Neighborhood Association
- Mueller Neighborhoods Coalition
- Keep the Land
- Anberly Airport Association
- Austin Neighborhood Council
- PODER (People in Defense of Earth and her Resources)

SCHOOLS: (AISD ISD)

Harris Elementary School Pearce Middle School Reagan High School

ABUTTING STREETS.

Name	ROW	Pavement	Classification
Berkman Drive	50'	40'	Collector

- There are existing sidewalks along Berkman Drive
- Berkman Drive is classified in the Bicycle Plan as a Priority 1 bike route
- Capital Metro bus service is available along Berkman Drive

CITY COUNCIL DATE:

ACTION:

June 8, 2006

Case indefinitely postponed at the request of the applicant (was returned to Planning Commission)

November 2, 2006:

Approved LR-MU on first reading

November 30, 2006

ORDINANCE READINGS:

1st

11/02/06

2nd

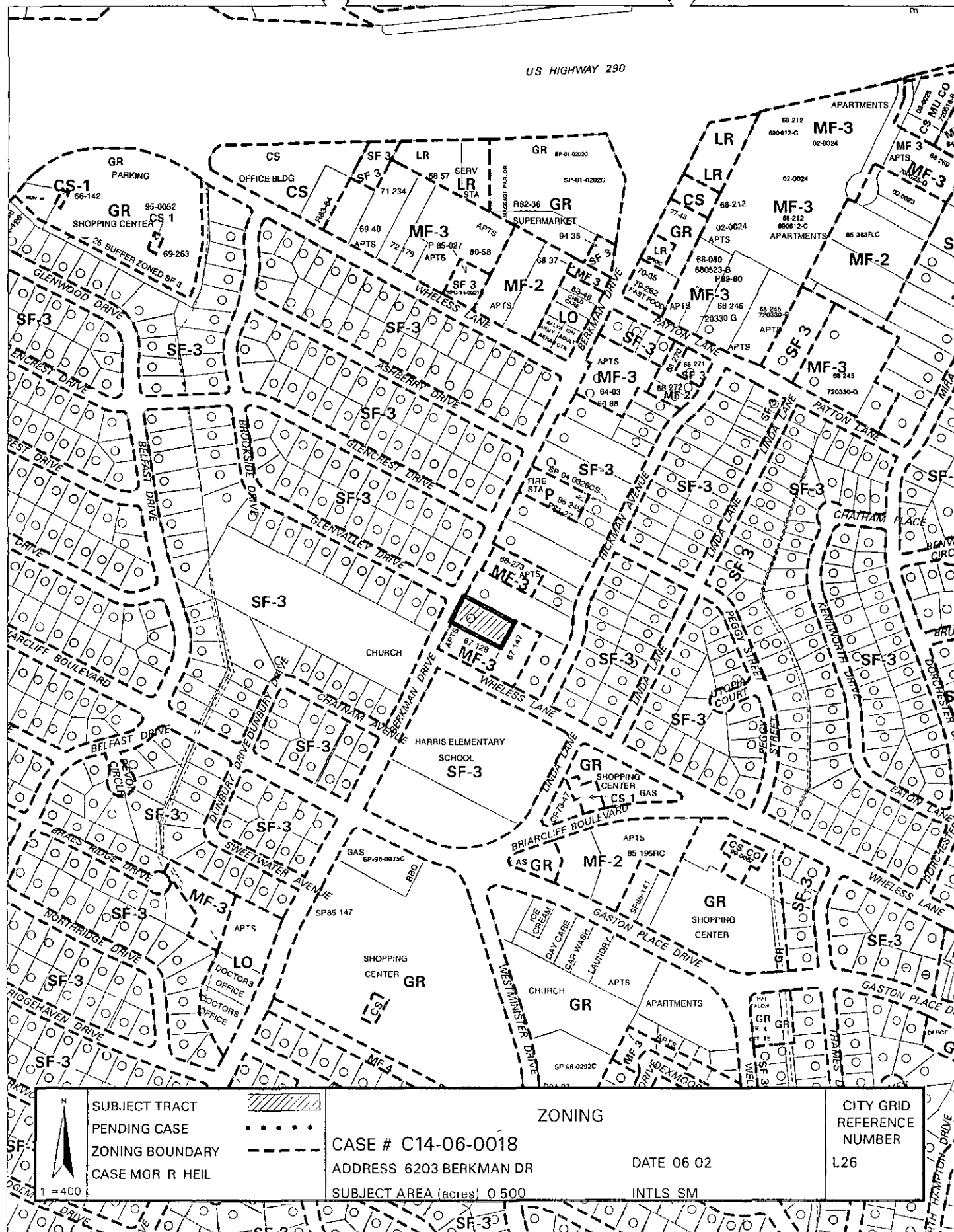
3rd

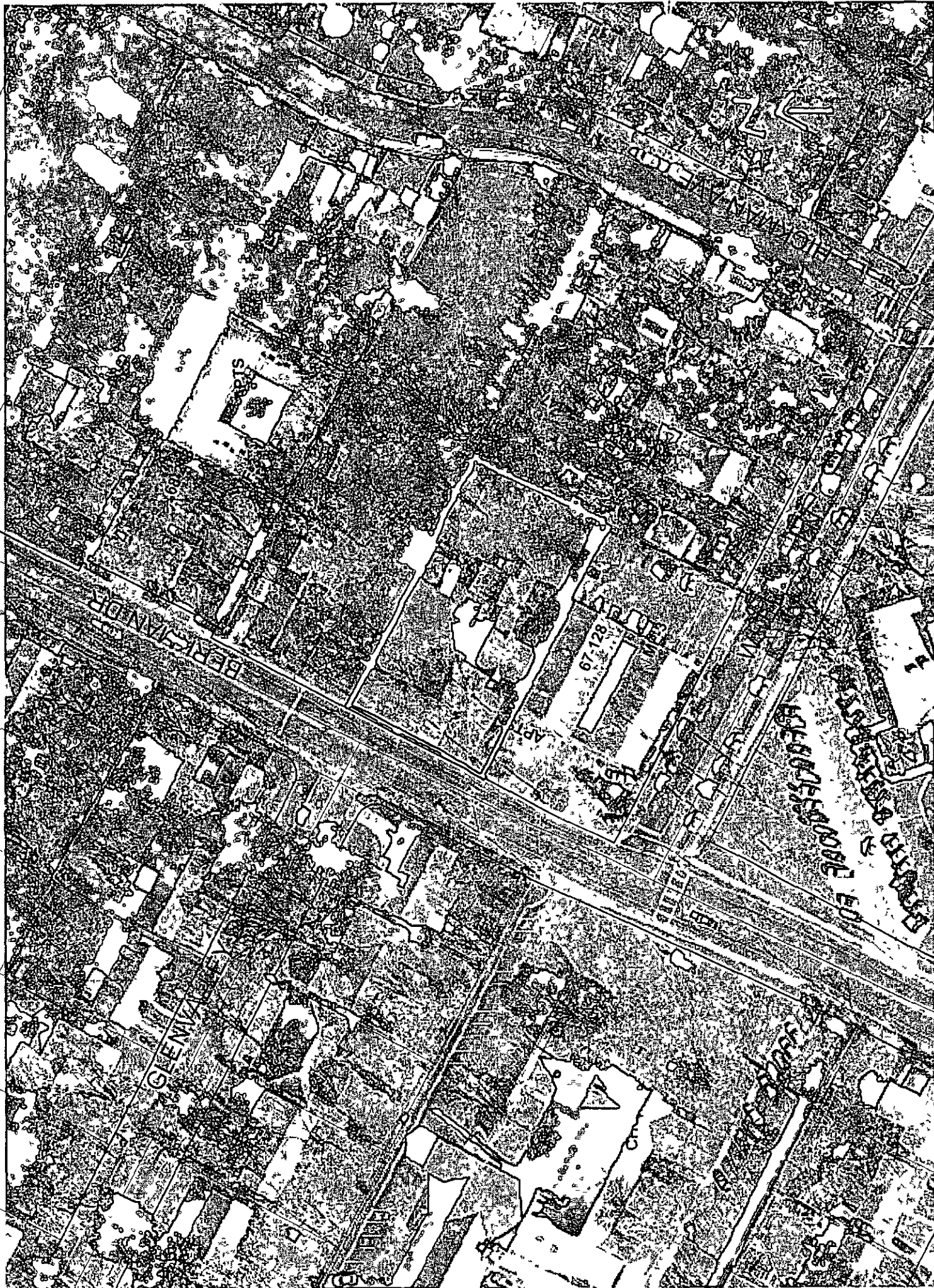
ORDINANCE NUMBER.

CASE MANAGER Robert Heil
e-mail address [robert heil@ci austin tx us](mailto:robert.heil@ci.austin.tx.us)

PHONE: 974-2330

U.S. HIGHWAY 290





SUMMARY STAFF RECOMMENDATION

Staff recommends approval of the zoning request.

EXISTING CONDITIONS

The site is an existing single family residence. To the south are apartments on MF-3 zoned land. To the east, behind the property are two large lot single family homes with multiple accessory out-buildings. To the north is a single family house on a very large SF-3 zoned lot. Across Berkman Drive to the west are more single family homes and a church.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district, such as the MF-3 which has been requested, which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

The site is subject to compatibility standards. Along the west and north property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

Dedication of additional right-of-way may be required during the subdivision or site plan review process.

The trip generation under the requested zoning is estimated to be 120 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Berkman Drive	50'	40'	Collector

There are existing sidewalks along Berkman Drive.

Berkman Drive is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along Berkman Drive

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0018

Contact: Robert Heil, (512) 974-2330

Public Hearing:

August 8, 2006 Planning Commission

Your Name (please print)

Louis Carenblith



Your address(es) affected by this application

1615 Glenvalley Dr - Austin, TX 78723

Louis Carenblith

Signature

Date

8-3-06

Comments: THERE IS NO WAY THIS PROPOSED

ZONING CHANGE WOULD OR COULD BE A

CONVENIENCE FOR THE NEIGHBORHOOD.

IN THIS AREA THERE ARE AMPLE CONVENIENCES

STORES, SHOPPING CENTERS, VACANT OFFICE SPACE

AND APARTMENTS.

THAT PROPERLY FACES A TWO LANE STREET, IN

A SCHOOL ZONE, THAT IS ALREADY CONGESTED AND

THE LR-MU-CO REZONING CHANGE WOULD BE

DETRIMENTAL & INCONVENIENT FOR THIS NEIGHBORHOOD

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice

Case Number: C14-06-0018

Contact: Robert Heil, (512) 974-2330

Public Hearing:

August 8, 2006 Planning Commission

Your Name (please print)

Boyd Covey



Your address(es) affected by this application

1617 Glenvalley Dr Boyd Covey 8106

Signature

Date

Comments: Changing zoning would

create a traffic hazard for children

walking to & from Harris Elementary

school. It would also disrupt the

flow of traffic on Berkman which is

already over crowded. There is

no need for neighborhood shopping at

this location. Traffic in & out of

a commercial use at this location

could be an obstruction for fire trucks

& ambulances who frequently have run down

it would destroy existing residential property!

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil
P. O. Box 1088
Austin, TX 78767-8810

From: KRIVON@aol.com
Sent: Friday, November 10, 2006 11:22 AM
To: Guernsey, Greg; Heil, Robert
Cc: Domas, Adrienne; [REDACTED]; [REDACTED]
Subject: C14-06-0018, at 6203 Berkman

Mr Guernsey,

Alana Carpenter-Moore, copied an e-mail to me regarding zoning case C14-06-0018, at 6203 Berkman Drive. I wanted to let you know that I have already e-mailed a request to the City Council to re-open the public hearing on November 30th, using the City's web-page. Consequently, I don't have an exact copy of the contents.

I was just minutes late to the November 2nd Council meeting, having encountered unusually bad traffic for 3:30-4:00 on a Thursday afternoon. I was listening to the meeting on the radio and heard the case mentioned as I was just across Town Lake from City Hall. My attempt to sign in at the computer in the lobby was problematic, so I missed the vote. This particular Council meeting went much more quickly than most.

Since we are in the neighborhood planning process, this particular case got more local review than usually happens with Windsor Park. These were main points we discussed:

- A small house on a half-acre lot is not a good use of the land
- Berkman from Patton to Wheless is entirely residential, except for a fire station.
- The surrounding properties are all residential
- LR-MU zoning, recommended by the staff and Planning Commission, would allow a retail operation adjacent to SF-3 zoned property
- Windsor Village Shopping Center is one block away, and is an entire block of under-utilized retail space
- *There is additional commercially-zoned, under-used property within a 1-minute walk from this site.*
- A previous City Council rejected the City's own request for rezoning an adjacent property for use as an EMS station as being too intrusive, even though the neighborhood supported it as a public safety issue.
- Berkman is coming under increased stress due to traffic rerouting through Mueller at IH35 and 51st Street, and will suffer more stress when Berkman is continued through Mueller in the future, contrary to community wishes that it terminate within Mueller (disclosure. I am an RMMAPIAC Commissioner)
- SF-6 zoning, recommended by the neighborhood, would allow considerably more density, but retain the residential character of Berkman Dr. within Windsor Park.

Please contact me if you have any questions

Rick Krivoniak
krivon@aol.com
512-926-0733

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 6203 BERKMAN DRIVE FROM FAMILY
3 RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED
4 USE (LR-MU) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to neighborhood commercial-
10 mixed use (LR-MU) combining district on the property described in Zoning Case No. C14-
11 06-0018, on file at the Neighborhood Planning and Zoning Department, as follows:

12
13 A 0.50 acre tract of land, more or less, out of the Dinsmore Simpson Survey No.
14 27, Abstract No. 694, Travis County, the tract of land being more particularly
15 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the
16 "Property"),

17
18 locally known as 6203 Berkman Drive, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "B".

20
21 **PART 2.** This ordinance takes effect on _____, 2006.

22
23
24 **PASSED AND APPROVED**

25
26 §
27 §
28 § _____, 2006

29 Will Wynn
30 Mayor

31
32
33 **APPROVED:** _____ **ATTEST:** _____
34 David Allan Smith Shirley A. Gentry
35 City Attorney City Clerk

FIELD NOTES FOR
0.50 ACRE OUT OF THE
DINSMORE SIMPSON SURVEY No 27,
ABSTRACT No 694
TRAVIS COUNTY, TEXAS

EXHIBIT A

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A 0.50 ACRE TRACT OF LAND OUT OF THE DINSMORE SIMPSON SURVEY No 27, ABSTRACT No 694 IN TRAVIS COUNTY, TEXAS AND BEING THAT CERTAIN TRACT OF LAND CONVEYED TO TROY HANNA BY DEED RECORDED IN DOCUMENT No 2004150493 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAID TRACT HAVING BEEN SURVEYED ON THE GROUND BY SNS ENGINEERING AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a ½" iron rod found on the southerly line of a 0.945 acre tract of land conveyed to Anthony V. Monroe by deed recorded in Volume 13090, Page 2879 of the Real Property Records of Travis County, Texas, at the northwest corner of a 0.499 acre tract of land conveyed to Hilda A. Mora by deed recorded in Volume 11801, Page 488 of the Real Property Records of Travis County, Texas, for the northeast corner of the tract herein described,

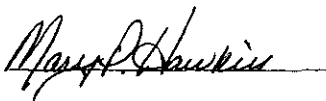
THENCE, departing the southerly line of said 0.945 acre tract and along the common line of said 0.499 acre tract and this tract, **S 29°29'00"W**, a distance of **105.27 FEET** to a ½" iron rod found at the northeast corner of a 0.438 acre tract of land conveyed to Carolyn Young, et al by deed recorded in Document No 2005136650 of the Official Public Records of Travis County, Texas, for the southeast corner of the tract herein described,

THENCE, departing the westerly line of said 0.499 acre tract and along the common line of said 0.438 acre tract and this tract, **N 60°01'33"W**, at 181.28 feet pass a P.K. nail found at the northwest corner of said 0.438 acre tract, being in the easterly right-of-way of Berkman Drive, continuing with the easterly right-of-way of Berkman Drive and the southerly line of this tract for a total distance of **206.75 FEET** to a punchhole set for the southwest corner of the tract herein described,

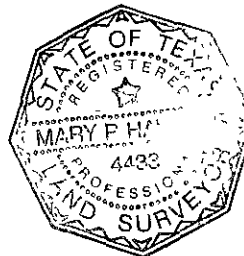
THENCE, along the easterly right-of-way of Berkman Drive, **N 29°28'58"E**, a distance of **105.39 FEET** to a P.K. nail set at the southwest corner of the aforementioned 0.945 acre tract, for the northwest corner of the tract herein described,

THENCE, departing the easterly right-of-way of Berkman Drive and along the common line of said 0.945 acre tract and this tract, **S 59°59'35"E**, a distance of **206.75 FEET** to the **POINT OF BEGINNING** and containing 0.50 acre of land, more or less

See SNS Engineering "Plat of Survey" No 051272, page 2 of 2 attached hereto and made a part hereof



Mary P. Hawkins
Registered Professional Land Surveyor No 4433
State of Texas



LEGEND

- PO POWER POLE
- OVERHEAD ELEC, TELE LINE
- CHAIN LINK FENCE
- WOOD FENCE
- WM WATER METER
- GM GAS METER
- PHS PUNCH HOLE SET
- PKS PK NAIL SET
- PKF PK NAIL FOUND
- IRF 1/2" IRON ROD FOUND

BERKMAN DRIVE

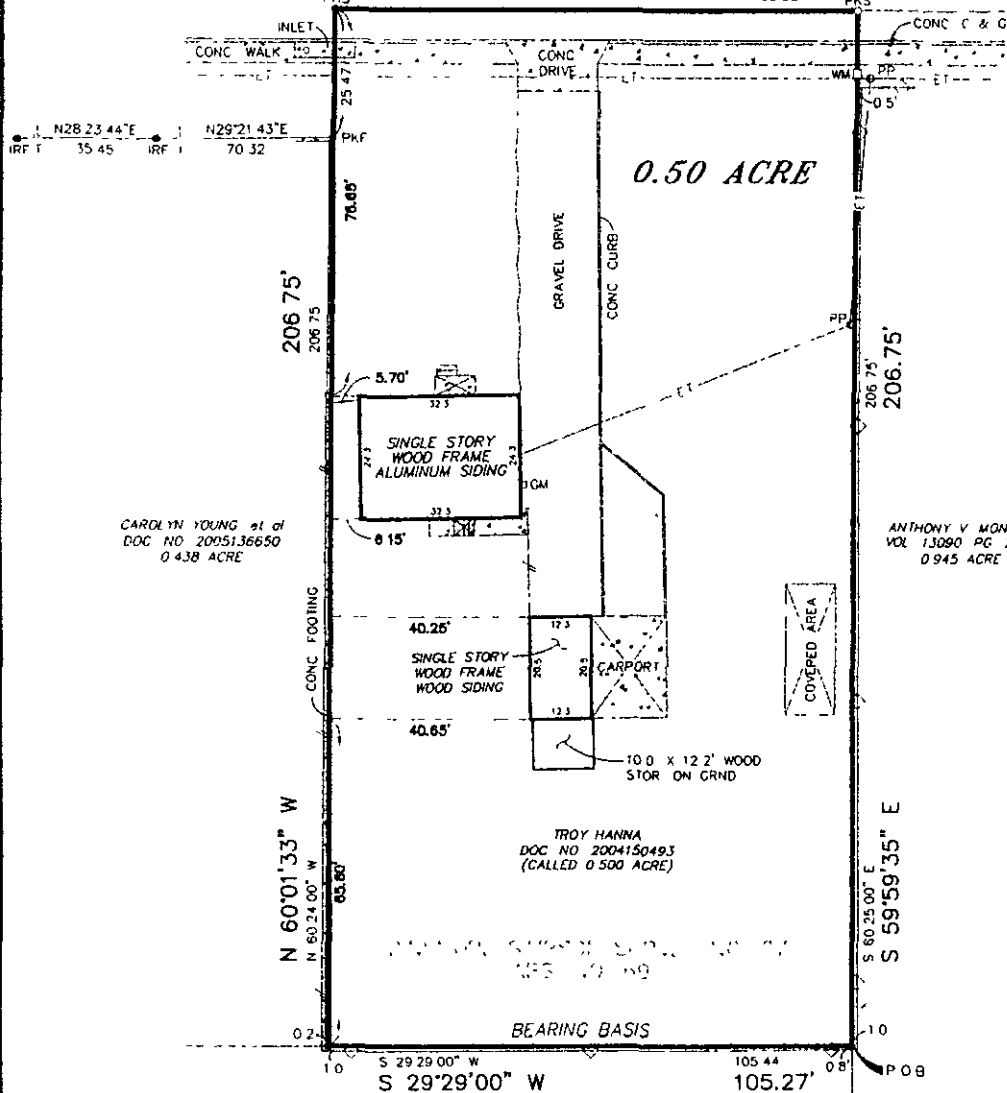
(ROW VARIES)

N 29°28'58" E

105.39'

N 29°29'00" E

105.38'



A Title Commitment was NOT furnished to the Surveyor. The only Easements shown hereon are per Plat. The Surveyor does not assume any Liability for existence of any easements and/or restrictions encumbered to the Property.

* DINSMORE SIMPSON SURVEY NO 27, ABSTRACT NO 694 (FIELD NOTES ATTACHED)

PLAT OF SURVEY

Survey No 051272

SCALE 1" = 30'

of 2

Soils of this Zone X is certified by the
 Planning & Engineering Management Agency, or
 City Council Panel, as 48453C 0160E
 on JUNE 16, 1993

LOT NO 1 BLOCK NO 1

ADDITION OR SUBDIVISION 0.50 ACRE OF LAND, MORE OR LESS, OUT OF THE *

STREET ADDRESS 6203 BERKMAN DRIVE CITY AUSTIN COUNTY TRAVIS
 LEVEL FOR PRESIDIO GROUP REALTORS REFERENCE TROY HANNA

TO
 STATE OF TEXAS COUNTY OF TRAVIS
 I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT AND THAT
 THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN
 PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY EXCEPT AS SHOWN HEREON

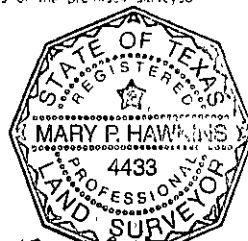
SNS ENGINEERING, INC.

12466 Los Indios Trail, Suite 101
 Austin, Texas 78729

(512) 335-3944 * (512) 250-8685 (Fax) WM

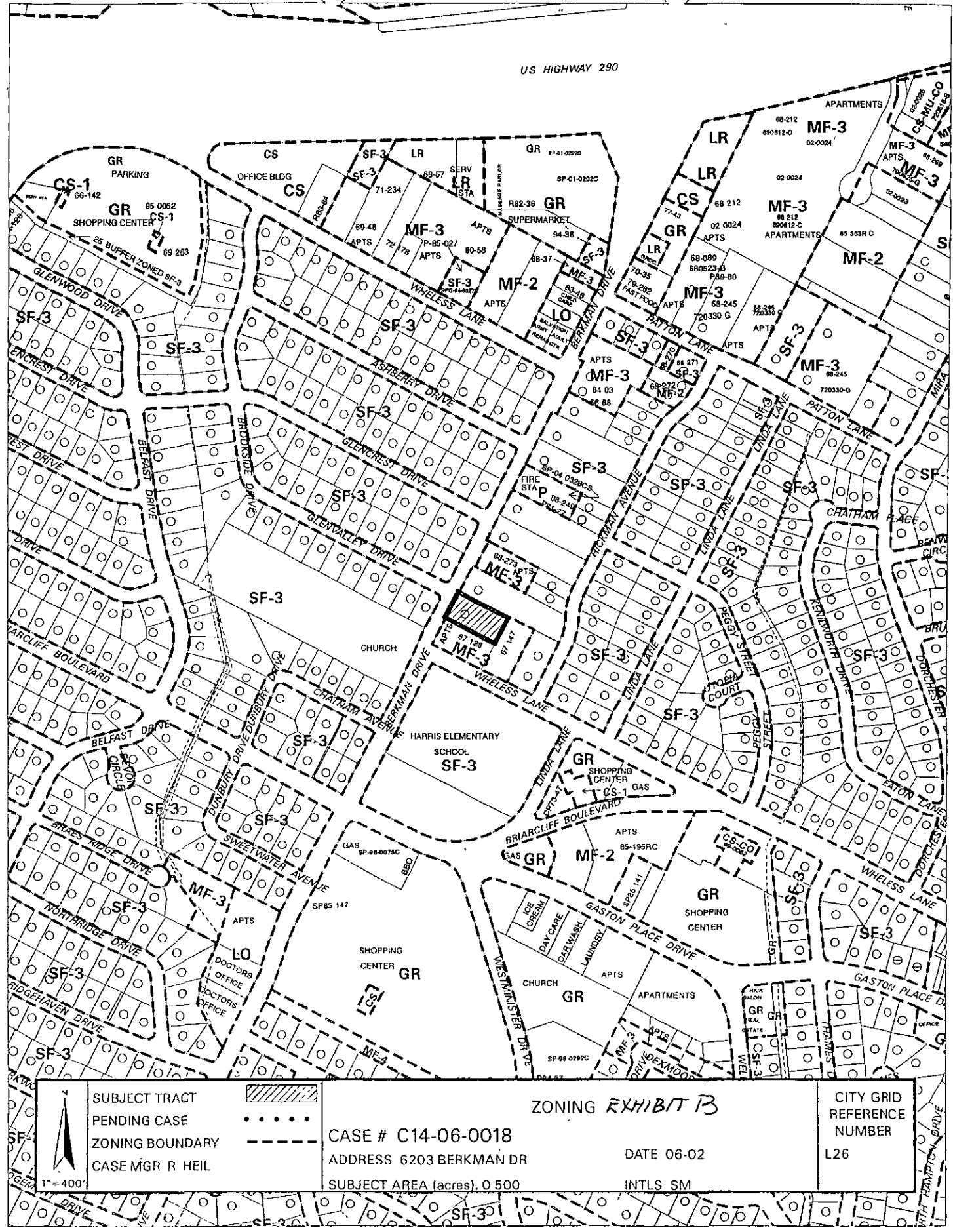
546/70

All corners are 1/2-inch iron rod found unless
 otherwise noted. To the land holders and/or
 the owners of the premises surveyed.



Mary P. Hawkins
 Date 01-04-2006

US HIGHWAY 290



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR R HEIL

CASE # C14-06-0018
 ADDRESS 6203 BERKMAN DR
 SUBJECT AREA (acres) 0.500

ZONING EXHIBIT B

DATE 06-02
 INTLS SM

CITY GRID
 REFERENCE
 NUMBER
 L26